IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 23681 OF 2005

Date: 07.11.2005

BETWEEN:

Agisam Veerappa

…. PETITIONER

And

1. The Municipal Commissioner, Kadiri Municipality, Kadiri, Anantapur District, and others.

…. RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 23681 OF 2005

ORDER:

The petitioner claims to be the owner of the house bearing D.No.1/270, Court Road, Kadiri, Anantapur District. He alleges that respondents 2 and 3 are the owners of the house bearing D.Nos.1/268 and 1/269. According to him respondents 2 and 3 applied to the first respondent Municipality for grant of construction permission, and the first respondent granted permission on 10.9.2005. It is alleged that after obtaining permission, respondents 2 and 3 commenced construction by causing inconvenience to the petitioner and the general public. Therefore, the petitioner gave a complaint alleging that respondents 2 and 3 are constructing in violation of the sanction plan. The first respondent issued a notice under Section 217(1) and 217 (2) of A.P. Municipalities Act, 1965 (for short 'the Act') pointing out the deviations made by respondents 2 and 3. As no action was taken, the petitioner filed the present writ petition.

The learned counsel for the petitioner submits that the first respondent has got the matter pending without taking further steps even after issue of notices under Section 217 of the Act. **Per Contra**, the learned Standing Counsel after getting instructions submits that the Municipality has already issued final notice against which respondents 2 and 3 filed O.S.No.499 of 2005 on the file of the Court of the Principal Junior Civil Judge, Kadiri and obtained add interim ex parte injunction order in I.A.No.1172 of 2005 dated 5.11.2005. He also submits that the Municipality is taking necessary steps for getting the order vacated. The learned counsel for the

respondents 2 and 3, Sri S.A. Razak submits that the respondents 2 and 3 are proceeding with the construction, strictly in accordance with the plan sanctioned by the Municipality and the allegations made by the petitioner and the Municipality in that regard are baseless. He further does not dispute that a suit in relation to the same dispute, is pending before the Civil Court.

It is brought to the notice of this Court that I.A.No.1172 of 2005 in O.S.No.499 of 2005 stands posted to 16.11.2005. Therefore, the learned Principal Junior Civil Judge, Kadiri is directed to dispose of the Interlocutory Application on the date of next hearing, without granting any further adjournments. The Municipality shall file its counter before the Civil Court by that time.

In view of the submission made by the learned Standing Counsel that necessary action is being initiated in that direction, this Court is not inclined to pass any orders in the matter. Therefore, without expressing any opinion on the merits of this case, this Writ Petition is disposed of at the admission stage

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(**V.V.S. RAO, J.)**

7th November, 2005

Note: Issue C.C. tomorrow.

(By order) / Js.